

03/11/2003 03:54:15 PM

Page 1

2003 DRAFTING REQUEST**Assembly Amendment (AA-AB144)**Received: **03/11/2003**Received By: **rchampag**Wanted: **Today**

Identical to LRB:

For: **Frank Boyle (608) 266-0640**By/Representing: **Mary Lou**This file may be shown to any legislator: **NO**Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **Gambling - miscellaneous**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Boyle@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Licensing and regulation of amusement devices

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag 03/11/2003	kgilfoy 03/11/2003					
/1			pgreensl 03/11/2003		lemery 03/11/2003	lemery 03/11/2003	

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FE Sent For:

<END>

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1?	rchampag	1- 3/11 KMG	3/11 P8	3/11 P8TB			

FE Sent For:

<END>

Champagne, Rick

From: Keleher, Marylou
Sent: Tuesday, March 11, 2003 2:10 PM
To: Champagne, Rick
Subject: Amendment - AGAIN

Hi Rick,

Frank would like the video gaming amendment drafted for Assembly Bill 144 which will be taken up on the floor tomorrow. We would like to use the most recent version which is LRB 0240/4.

Thanks so much! Any questions, give me a call.

Mary Lou Keleher
Aide to Rep. Frank Boyle
6-0640

2003

Date (time)
needed

WED 9AM

LRBa 0307 / 1

AMENDMENT

RAC : King:

See form AMENDMENTS — COMPONENTS & ITEMS.

S (A) AMENDMENT

D-NOTE

TO S A AMENDMENT (LRBa

TO S A SUBSTITUTE AMENDMENT (LRBs

TO 2003 ~~SB~~ ~~SJR~~ ~~SR~~ (AB) ~~AJR~~ ~~AR~~ 144 (LRB-

At the locations indicated, amend the bill as follows:

(fill ONLY if "engrossed" or "as shown by")

- ✓ #. Page 1, line 2: after "compacts" insert "and
licensing and regulating ^{amuse} amusement devices under ^{the} the
state lottery and making appropriations".
- ✓ #. Page 2, line 24: after that line insert:

#. Page ..., line ...:

#. Page ..., line ...:

#. Page ..., line ...:

BILL

Under the bill, the Department of Revenue (DOR) is required to license and regulate amusement devices as part of the state lottery. Under the bill, before July 1, 2005, an amusement device is any video device that awards or is capable of awarding a player with one or more redeemable free replays or credits for achieving certain scores or results and does not change the ratio of plays to free replays or credits so awarded. Beginning on July 1, 2005, any such device must be an on-line amusement device.

The bill provides that DOR may only issue an amusement device license to a person who has a Class "B" alcohol license on the bill's effective date or a person to whom such a Class "B" license has been transferred; a person who has a "Class B" alcohol license; and, a person who held a racetrack license to conduct pari-mutuel wagering on January 1, 2003. In addition, the bill provides all of the following: an amusement device may be played only at a racetrack at which pari-mutuel wagering was conducted on January 1, 2003, or at a premises issued a Class "B" or "Class B" alcohol license; the owner of the amusement device is charged an annual license fee of \$100 for each amusement device; not more than five amusement devices may be set up at any one premises operated under a Class "B" license or a "Class B" alcohol license and not more than five amusement devices per 1,000 square feet of space may be set up at any racetrack at which pari-mutuel wagering was conducted on January 1, 2003, as such space existed on January 1, 2003; no one person may manufacture or distribute all of the amusement devices that are set up for the purpose of play; and any amusement device must have a percentage of credits awarded to credits played that is not less than the average percentage required under all unexpired Indian gaming compacts, less any sales or use taxes generated from the play of the amusement device.

Under the bill, the adjusted gross receipts, less any amount paid as sales or use taxes, must be equally divided between the state, for deposit in the lottery fund, and the holder of the license for the premises or racetrack at which the amusement device is located. In addition, the proceeds from the play of amusement devices, less the payouts paid to players of the devices, are subject to the sales tax and the use tax at the rate of 5% of such proceeds. The Class "B" or "Class B" licensee collects the tax and submits it to DOR.

Finally, beginning with distributions in 2004, each municipality shall have its shared revenue payment reduced by the amount of adjusted gross revenues paid to the state from the play of amusement devices and, instead, will receive a payment equal to that amount from the lottery fund, to be used for reducing the property tax levy in the municipality.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

① 5^m
SECTION 20.566 (8) (g) of the statutes is created to read:

BILL

20.566 (8) (g) *Licensing and regulation of amusement devices*. All moneys received under s. 565.08 (1) (c), to pay the costs incurred by the department of revenue in issuing licenses and regulating the operation of amusement devices under s. 565.08. ^{6m}

SECTION ~~7~~^{6m}. 20.566 (8) (t) of the statutes is created to read:

20.566 (8) (t) *Payment to municipalities*. From the lottery fund, a sum sufficient to make the payments under s. 79.037.

SECTION ~~8~~^{7m}. 25.75 (1) (b) of the statutes is amended to read:

25.75 (1) (b) "Gross lottery revenues" means gross revenues from the sale of lottery tickets and lottery shares under ch. 565, adjusted gross revenues received by the state under s. 565.08 (1) (g), and revenues from the imposition of fees, if any, under s. 565.10 (8) and includes compensation, including bonuses, if any, paid to retailers under s. 565.10 (14), regardless of whether the compensation is deducted by the retailer prior to transmitting lottery ticket and lottery share revenues to the commission.

SECTION ~~9~~^{8m}. 77.51 (4) (c) 1m. of the statutes is created to read:

77.51 (4) (c) 1m. Adjusted gross receipts, as defined in s. 565.01 (1c).

SECTION ~~10~~^{9m}. 77.51 (15) (c) 1m. of the statutes is created to read:

77.51 (15) (c) 1m. Adjusted gross receipts, as defined in s. 565.01 (1c).

SECTION ~~11~~^{10m}. 79.035 (1) of the statutes is amended to read:

79.035 (1) Subject to ~~reductions under s. ss.~~ 79.036 (3) and 79.037, in 2004 and subsequent years, each county and municipality shall receive a payment from the county and municipal aid account in an amount determined under sub. (2).

SECTION ~~12~~^{11m}. 79.037 of the statutes is created to read:

BILL

1 **79.037 Adjusted gross receipts.** Beginning with the distribution in 2004,
2 the department of revenue shall reduce the payment from the county and municipal
3 aid account under s. 79.035 to each municipality in which the state collects adjusted
4 gross receipts, as defined in s. 565.01 (1c), by an amount equal to the adjusted gross
5 receipts, as defined in s. 565.01 (1c), that the state collected in the municipality in
6 the fiscal year preceding the fiscal year of the payment under s. 79.035 and shall pay
7 each such municipality from the appropriation under s. 20.566 (8) (t) an amount, to
8 be used solely for the purpose of reducing the property tax levy in the municipality,
9 equal to the adjusted gross receipts, as defined in s. 565.01 (1c), that the state
10 collected in the municipality in the fiscal year preceding the fiscal year of the
11 payment under s. 79.035.

12 ~~SECTION 8.~~^{12m} 125.12 (1) (a) of the statutes is amended to read:

13 125.12 (1) (a) Except as provided in this subsection and s. 945.041, any
14 municipality or the department may revoke, suspend or refuse to renew any license
15 or permit under this chapter, as provided in this section.

16 ~~SECTION 9.~~^{13m} 565.01 (1) of the statutes is renumbered 565.01 (1dm).

17 ~~SECTION 10.~~^{14m} 565.01 (1c) of the statutes is created to read:

18 565.01 (1c) "Adjusted gross receipts" means the total amount paid by cash or
19 check to a person licensed under s. 565.08 (1) (a) for the play of amusement devices
20 licensed under s. 565.08 less the total amount paid by cash or check to the players
21 of the amusement devices for the play of the amusement devices.

22 ~~SECTION 11.~~^{15m} 565.01 (1g) of the statutes is created to read:

23 565.01 (1g) "Amusement device" means, before July 1, 2005, any video device
24 that awards or is capable of awarding a player with one or more redeemable free
25 replays or credits for achieving certain scores or results and does not change the ratio

BILL

of plays to free replays or credits so awarded. Beginning on July 1, 2005, "amusement device" means any on-line video device that awards or is capable of awarding a player with one or more redeemable free replays or credits for achieving certain scores or results and does not change the ratio of plays to free replays or credits so awarded.

16^m
(6) SECTION ~~12~~ 565.01 (4g) of the statutes is amended to read:

565.01 (4g) "On-line services and supplies" means those lottery products and associated services, including computerized transaction processing equipment, computerized retailer vending terminals, and those technologies necessary to maximize lottery revenues and minimize the lottery's total operating costs. The term does not include services related to instant lottery ticket services or the playing of amusement devices licensed under s. 565.08.

17^m
(13) SECTION ~~13~~ 565.01 (4r) (intro.) of the statutes is amended to read:

565.01 (4r) (intro.) "Promotional advertising" means advertising which is for the purpose of inducing persons to purchase lottery tickets or lottery shares or play amusement devices licensed under s. 565.08. "Promotional advertising" does not mean advertising which is designed to provide the public with information on any of the following:

18^m
(19) SECTION ~~14~~ 565.01 (6c) of the statutes is created to read:

565.01 (6c) "Set up for the purpose of play" means operated for the purpose of offering a person, for consideration, an opportunity to play an amusement device licensed under s. 565.08.

19^m
(23) SECTION ~~15~~ 565.01 (6m) (a) (intro.) of the statutes is renumbered 565.01 (6m) (intro.) and amended to read:

565.01 (6m) (intro.) "The state lottery" means an all of the following:

BILL

1 (a) An enterprise, including a multijurisdictional lottery in which the state
2 participates, in which the player, by purchasing a ticket, is entitled to participate in
3 a game of chance in which any of the following applies:

4 SECTION ~~16~~^{20 m} 565.01 (6m) (b) and (c) of the statutes are repealed.

5 SECTION ~~17~~^{21 m} 565.01 (6m) (bm) of the statutes is created to read:

6 565.01 (6m) (bm) The play and operation of an amusement device licensed
7 under s. 565.08.

8 SECTION ~~18~~^{22 m} 565.015 of the statutes is repealed.

9 SECTION ~~19~~^{23 m} 565.02 (7) of the statutes is amended to read:

10 565.02 (7) Not later than March 1 of each year, the department shall submit
11 to the joint committee on finance a report that includes an estimate for that fiscal
12 year and for the subsequent fiscal year of the gross revenues from the sale of lottery
13 tickets and lottery shares, the total amount paid as lottery ticket and share prizes
14 and the lottery ticket and share prize payout ratio for each type of lottery game
15 offered, and an evaluation of the effect of lottery ticket and share prize payout ratios
16 of lottery games on lottery sales, lottery operating costs and on maximizing the
17 revenue available for the lottery and gaming property tax credit. If, within 14
18 working days after the date on which the committee receives the report, the
19 cochairpersons of the committee notify the department that the committee has
20 scheduled a meeting for the purpose of reviewing the department's proposed lottery
21 ticket and share prize payouts, the department may proceed with its plans for the
22 lottery ticket and share prize payouts for the subsequent fiscal year only upon
23 approval of the plans by the committee. If the cochairpersons of the committee do
24 not notify the department within 14 working days after the date on which the
25 committee receives the report that the committee has scheduled a meeting for the

BILL

1 purpose of reviewing the department's proposed lottery ticket and share prize
2 payouts, the department's plans for the lottery ticket and share prize payouts for the
3 subsequent fiscal year are considered approved by the committee.

4 **SECTION 20.** ^{24m} 565.08 of the statutes is created to read:

5 **565.08 Licensing and regulation of amusement devices.** (1) The
6 department shall license all amusement devices that are set up for the purpose of
7 play in this state, subject to all of the following conditions:

8 (a) An amusement device license may be issued only to the following:

9 1. A person who has a Class "B" license under ch. 125 on the effective date of
10 this subdivision [revisor inserts date], or a person to whom such a Class "B" license
11 has been transferred under s. 125.04 (12) (b).

12 2. A person who has a "Class B" license under ch. 125.

13 3. A person who held a license on January 1, 2003, that was issued under s.
14 562.05 (1).

15 (b) An amusement device that is set up for the purpose of play may be played
16 only at a racetrack at which pari-mutuel wagering was conducted on January 1,
17 2003, or at a premises issued a Class "B" or "Class B" license under ch. 125.

18 (c) The owner of the amusement device shall be charged an annual license fee
19 of \$100 for each amusement device that is set up for the purpose of play.

20 (d) 1. No more than 5 amusement devices may be set up for the purpose of play
21 at any one premises operated under a Class "B" license or a "Class B" license issued
22 under ch. 125.

23 2. No more than 5 amusement devices per 1,000 square feet of space may be
24 set up for the purpose of play at any racetrack at which pari-mutuel wagering was
25 conducted on January 1, 2003, as such space existed on January 1, 2003.

BILL

1 (e) No one person may manufacture or distribute all of the amusement devices
2 that are set up for the purpose of play.

3 (f) 1. Except as provided in subd. 2., any amusement device set up for the
4 purpose of play shall have a percentage of credits awarded to credits played that is
5 not less than the average percentage required under all unexpired Indian gaming
6 compacts entered into under s. 14.035. In this subdivision, "average" means the
7 arithmetic mean.

8 2. In calculating the percentage of credits awarded to credits played for an
9 amusement device under subd. 1., the department shall reduce the percentage by a
10 percentage that produces an amount equal to the amount of any sales or use taxes
11 generated from the play of the amusement device.

12 (g) The adjusted gross receipts, less any amount paid as sales or use taxes from
13 the play of an amusement device, shall be equally divided between the state, for
14 deposit in the lottery fund, and the holder of the license under par. (a) for the
15 premises or racetrack at which the amusement device is located.

16 (2) If the department attempts to verify the percentage of credits awarded to
17 credits played of an amusement device under sub. (1) (f) and the owner of the
18 premises or racetrack at which the amusement device is located fails, or is unable,
19 to assist the department, with the result that the department cannot verify the
20 percentage of credits awarded to credits played, the department shall do the
21 following:

22 (a) For the first offense, issue a warning to the owner, and the owner shall
23 immediately assist the department in verifying the percentage of credits awarded to
24 credits played of the amusement device.

BILL

1 (b) For the 2nd offense, suspend for 30 days the license issued under sub. (1)
2 (a) for that premises or racetrack.

3 (c) For the 3rd offense, permanently revoke the license issued under sub. (1)
4 (a) for that premises or racetrack.

5 SECTION ^{25m}~~24~~. 565.27 (1) (Intro.) of the statutes is amended to read:

6 565.27 (1) GAME FEATURES AND PROCEDURES. (intro.) Subject to this section, the
7 rules promulgated under s. 565.02 (3) (d) and (4) (a) and approval by the secretary
8 of revenue, the administrator shall determine the particular features of and
9 procedures for each lottery game offered other than games played on amusement
10 devices licensed under s. 565.08. The features and procedures shall be in writing,
11 shall be accessible to the public and shall include all of the following:

12 SECTION ^{26m}~~24~~. 565.30 (title) of the statutes is amended to read:

13 565.30 (title) Lottery ticket and share prizes.

14 SECTION ^{27m}~~24~~. 565.30 (8) of the statutes is created to read:

15 565.30 (8) APPLICABILITY. This section applies only to prizes paid to the holder
16 of a winning lottery ticket or share and not to prizes paid from an amusement device
17 licensed under s. 565.08.

18 SECTION ^{28m}~~24~~. 945.01 (1) (dm) of the statutes is created to read:

19 945.01 (1) (dm) Playing an amusement device, as defined in s. 565.01 (1g), that
20 is licensed as described in s. 565.08.

21 SECTION ^{29m}~~24~~. 945.01 (3) (a) of the statutes is amended to read:

22 945.01 (3) (a) ~~A- Subject to par. (b), a~~ gambling machine is a contrivance which
23 for a consideration affords the player an opportunity to obtain something of value,
24 the award of which is determined by chance, even though accompanied by some skill
25 and whether or not the prize is automatically paid by the machine.

BILL

30^m
1 SECTION ~~26~~^{30^m} 945.01 (3) (b) 1m. of the statutes is created to read:

2 945.01 (3) (b) 1m. An amusement device, as defined in s. 565.01 (1g), that is
3 licensed as described in s. 565.08.

31^m
4 SECTION ~~27~~^{31^m} 945.01 (4) (am) of the statutes is renumbered 945.01 (4) (am)
5 (intro.) and amended to read:

6 945.01 (4) (am) (intro.) "Gambling place" does not include ~~a-~~ any of the
7 following:

8 1. A place where bingo or a raffle is conducted under ch. 563.

9 2. A place where a lottery is conducted under ch. 565 or

10 3. A place where a race is conducted under ch. 562 and does not include a

11 4. A gambling vessel that is in the process of construction, delivery, conversion
12 or repair by a shipbuilding business that complies with s. 945.095.

32^m
13 SECTION ~~28~~^{32^m} 945.01 (4) (am) 5. of the statutes is created to read:

14 945.01 (4) (am) 5. A premises on which is located an amusement device, as
15 defined in s. 565.01 (1g), that is licensed as described in s. 565.08.

33^m
16 SECTION ~~29~~^{33^m} 945.01 (5) (am) of the statutes is amended to read:

17 945.01 (5) (am) "Lottery" does not include bingo or a raffle conducted under ch.
18 563; the playing of an amusement device, as defined in s. 565.01 (1g), that is licensed
19 as described in s. 565.08; pari-mutuel wagering conducted under ch. 562; or the state
20 lottery or any multijurisdictional lottery conducted under ch. 565.

34^m
21 SECTION ~~30~~^{34^m} 945.041 (1) of the statutes is amended to read:

22 945.041 (1) A license or permit issued under ch. 125 to any person who
23 knowingly permits any slot machine, roulette wheel, other similar mechanical
24 gambling device, or number jar or other device designed for like form of gambling,
25 or any amusement device, as defined in s. 565.01 (1g), that is not licensed as

BILL

1 described under s. 565.08, or any horse race betting or other bookmaking as defined
2 in s. 945.01, or solicitation of drinks from customers under s. 944.36 to be set up, kept,
3 managed, used or conducted upon the licensed premises or in connection therewith
4 upon premises controlled directly or indirectly by the person, shall be revoked by the
5 circuit courts by a special proceeding as provided in this section. If a license or permit
6 has been revoked, no other license or permit of any character provided for by ch. 125
7 may be issued to the person who held the license or permit, prior to the expiration
8 of one year from the effective date of the revocation. If any appeal is taken from the
9 revocation, any period during which the order is stayed shall be added to the one year.

10 ^{35m}
SECTION ~~31~~ 945.041 (2) of the statutes is amended to read:

11 945.041 (2) Any sheriff, undersheriff, deputy sheriff, constable or other
12 municipal police officer or any person authorized to enforce the gambling laws under
13 s. 165.60 shall within 10 days after acquiring such information report to the district
14 attorney of the county the name and address of any licensee or permittee under ch.
15 125 who to his or her knowledge has knowingly suffered or permitted any gambling
16 device in sub. (1) any amusement device, as defined in s. 565.01 (1g), that is not
17 licensed as described under s. 565.08, or any horse race betting to be set up, kept,
18 managed, used or conducted upon the licensed premises or in connection therewith
19 upon premises controlled directly or indirectly by such licensee or permittee. Such
20 officer or person shall also report to the district attorney knowledge of the
21 circumstances and the name of the municipality or officer by whom the license or
22 permit has been issued. Any other person may in writing and signed by that person
23 report any such name, address and other information to the district attorney. Within
24 10 days after any report the district attorney shall institute a proceeding as
25 hereinafter provided before the circuit court of the county or shall within such time

BILL

1 report to the attorney general the reasons why such a proceeding has not been
2 instituted. The attorney general may direct the department of justice or the district
3 attorney to institute such proceeding within a reasonable time.

4 ^{36m} SECTION ~~32~~. 945.041 (3) of the statutes is amended to read:

5 945.041 (3) Such proceeding shall be in the name of the state and the issues
6 may be determined by a jury. It shall be instituted by the filing of a petition and
7 service of a notice as herein provided. The petition shall be directed to the circuit
8 court and shall set forth a clear and concise statement of the grounds that are alleged
9 to exist justifying a revocation of the license or permit under sub. (1), and shall
10 request an order revoking such license or permit. It shall also request an injunction
11 restraining the defendant from thereafter knowingly suffering or permitting any
12 such gambling devices, any amusement device, as defined in s. 565.01 (1g), that is
13 not licensed as described under s. 565.08, or any horse race betting to be set up, kept,
14 managed, used or conducted upon premises directly or indirectly controlled by the
15 defendant. Upon the filing of such petition the court shall fix a time for hearing not
16 to exceed 30 days from the date of filing at a place within the judicial circuit, and a
17 copy of the petition and a notice of the time and place of hearing shall be served upon
18 the defendant not less than 20 days prior to the date of hearing. Such service shall
19 be made in the same manner as a summons is served in a civil action, except that it
20 may also be made by leaving a copy of said petition and notice with any person
21 charged with the operation of the licensed premises under s. 125.68 (2). The
22 allegations of the petition shall be deemed controverted and shall be at issue without
23 further pleading by the defendant. No hearing shall be adjourned except for cause.
24 If upon such hearing the court finds that the allegations of the petition are true, it
25 shall issue a written order revoking the license or permit and shall likewise enjoin

BILL

1 the defendant from thereafter knowingly suffering or permitting any gambling
2 devices referred to in sub. (1), any amusement device, as defined in s. 565.01 (1g),
3 that is not licensed as described under s. 565.08, or any horse race betting to be set
4 up, kept, managed, used or conducted upon premises directly or indirectly controlled
5 by the defendant. The district attorney shall forthwith cause a copy of the order to
6 be filed with the issuing authority of the license or permit and shall cause a copy to
7 be served upon the defendant as above provided or the defendant's attorney. The
8 revocation and injunction shall become effective upon such service. In cases where
9 a license is issued by a town, city or village, a copy of the order shall also be filed with
10 the department of revenue as provided under s. 125.13.

11 ^{37m}
SECTION 33. Nonstatutory provisions.

12 *freem* (1) ADVISORY REFERENDUM. Section 565.015, 2001 stats., does not apply to the
13 action of the legislature in enacting this act.

14 **SECTION 34. Effective date.**

15 (1) This act takes effect on July 1, 2003, or the day after publication, whichever
16 is later.

17 (END)

Insert
13-17

[Handwritten signature]

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0307/lins
RAC:.....

13-17 ✓

m
SECTION 38. Effective dates. This act takes effect on July 1, 2003, or *on* the day after publication, whichever is later, except as follows:

freeze (1) The treatment of section 14.035 (2), (3), and (4) *of the statutes* and the renumbering of section 14.035 of the statutes take *e* effect on the day after publication.”

and amendment

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0240/4dn
RAC:kmg:cph

February 26, 2003

LRBa0307/1dn
RAC:kmg:

~~As we've discussed,~~ ^A article IV, section 24 (6) (c), of the Wisconsin Constitution specifically provides that "the following games, or games simulating any of the following games, may not be conducted by the state as a lottery: 1) any game in which winners are selected based on the results of a race or sporting event; 2) any banking card game, including blackjack, baccarat or chemin de fer; 3) poker; 4) roulette; 5) craps or any other game that involves rolling dice; 6) keno; 7) bingo 21, bingo jack, bingolet or bingo craps; 8) any game of chance that is placed on a slot machine or any mechanical, electromechanical or electronic device that is generally available to be played at a gambling casino; 9) any game or device that is commonly known as a video game of chance or a video gaming machine or that is commonly considered to be a video gambling machine...."

Please note that if any of the amusement device games are included in this list they would be prohibited under the Wisconsin Constitution.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0307/1dn
RAC:kmg:pg

March 11, 2003

Article IV, section 24 (6) (c), of the Wisconsin Constitution specifically provides that "the following games, or games simulating any of the following games, may not be conducted by the state as a lottery: 1) any game in which winners are selected based on the results of a race or sporting event; 2) any banking card game, including blackjack, baccarat or chemin de fer; 3) poker; 4) roulette; 5) craps or any other game that involves rolling dice; 6) keno; 7) bingo 21, bingo jack, bingolet or bingo craps; 8) any game of chance that is placed on a slot machine or any mechanical, electromechanical or electronic device that is generally available to be played at a gambling casino; 9) any game or device that is commonly known as a video game of chance or a video gaming machine or that is commonly considered to be a video gambling machine...."

Please note that if any of the amusement device games are included in this list they would be prohibited under the Wisconsin Constitution.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us